

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

[illegible]

OBJECTION TO DEBTORS' MOTION TO MODIFY CHAPTER 13 PLAN
(DOC #43)

Now comes Frank M. Pees, Chapter 13 Trustee herein, and hereby objects to the Debtors' Motion to Modify Chapter 13 Plan filed on November 3, 2015 (**Doc. #43**). The Debtors are proposing to increase the Plan payment to \$1,305.00 per month beginning November 2015 for the remainder of the Plan, and to contribute a lump sum of \$81,585.00 from a refinance of their home in November 2019, which is disclosed as month fifty-nine (59).

Debtors' Motion to Modify Chapter 13 Plan needs to clarify the month in which Debtors are to contribute the lump sum from the refinance as November 2019 is month fifty-six (56).

In addition, Debtors' Motion to Modify Chapter 13 Plan, if approved, would cause the Plan to project to eighty (80) months. 11 U.S.C. §1329(c) states that any modification of a Plan after confirmation "may not provide for payments over a period that expires after the applicable commitment period under section 1325(b)(1)(B) after the time that the first payment under the original confirmed Plan was due, unless the court, for cause, approves a longer period, but the court may not approve a period that expires after five years after such time."

Accordingly, the Trustee objects to the Debtors' Motion to Modify Chapter 13 Plan pursuant to 11 U.S.C. §1329(c).

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
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(614) 436-6700
trustee@ch13.org

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CERTIFICATE OF SERVICE

Frank M. Pees, Trustee, certifies that on this 4th day of November 2015, a copy of this Objection was served on the following registered ECF participants, **electronically**, through the court's ECF System at the email address registered with the court:

US Trustee
Frank M. Pees
Mitchell Marczewski

and on the following by **ordinary U.S. Mail** addressed to:

Russell J. Smith
Amanda Matson-Smith
2880 Boggs Rd
Zanesville, OH 43701

/s/ Frank M. Pees
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